

FOREIGN COUNTRIES AND NATIONALS

# **PROCEDURES FOR HANDLING REQUESTS FOR POLITICAL ASYLUM AND TEMPORARY REFUGE**

Headquarters  
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**Unclassified**

# ***SUMMARY of CHANGE***

AR 550-1

PROCEDURES FOR HANDLING REQUESTS FOR POLITICAL ASYLUM AND TEMPORARY REFUGE

FOREIGN COUNTRIES AND NATIONALS

PROCEDURES FOR HANDLING REQUESTS FOR POLITICAL ASYLUM AND TEMPORARY REFUGE

By Order of the Secretary of the Army:

E. C. MEYER  
*General, United States Army*  
*Chief of Staff*

Official:

ROBERT M. JOYCE  
*Major General, United States Army*  
*The Adjutant General*

**History.** Not applicable.

**Summary.** This revision implements DOD Directive 2000.11, Procedures for Handling Requests for Political Asylum and Temporary Refuge.

**Applicability.**

a. This regulation applies to all Army elements, including the Reserve Components, except as shown below.

- (1) National Guard under State control.
- (2) Army elements operating as part of a diplomatic mission.
- (3) Army elements located within the geographic area of a unified or specified command, and not subject to direct Embassy control.
- b. This regulation does not modify the special guidance contained in Joint State/Defense messages to AMEMBASSY, BONN; US MISSION, BERLIN; CINCEUR; and CINCUSAREUR; No. 046027, 190022Z Mar 71 (S), subject: US Asylum Policy (U), and No. 034107, 291445Z Feb 72 (C), subject: US Asylum Policy: USMLM-POTSDAM (U), (NOTAL).

**Proponent and exception authority.**  
Not applicable.

**Army management control process.**  
Not applicable.

**Supplementation.** Supplementation of this regulation is prohibited, except upon approval of the Deputy Chief of Staff for Operations and Plans. Requests for exception will

be sent, with justification, to HQDA(DAMO-SSM), Wash DC 20310.

**Interim changes.** Interim changes are not official unless they are authenticated by the Adjutant General. Users will destroy interim changes on their expiration dates, unless sooner superseded or rescinded.

**Suggested Improvements.** The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Operations and Plans. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA(DAMO-SSM) WASH DC 20310.

**Distribution.**  
To be distributed in accordance with DA Form 12-9A requirements for AR, Foreign Countries and Nationals.

- Active Army—C
- ARNG—None
- USAR—D

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\*This regulation supersedes AR 550-1, 13 August 1973.

**RESERVED**

## 1. Purpose.

This regulation establishes uniform policies and procedures for Department of the Army (DA) responsibilities for handling requests by foreign nationals for political asylum or temporary refuge.

## 2. Applicability

*a.* This regulation applies to all Army elements, including the Reserve Components, except as shown below.

- (1) National Guard under State control.
- (2) Army elements operating as part of a diplomatic mission.
- (3) Army elements located within the geographic area of a unified or specified command, and not subject to direct Embassy control.

*b.* This regulation does not modify the special guidance contained in Joint State/Defense messages to AMEMBASSY, BONN; US MISSION, BERLIN; CINCEUR; and CINCUSAREUR; No. 046027, 190022Z Mar 71 (S), subject: US Asylum Policy (U), and No. 034107, 291445Z Feb 72 (C), subject: US Asylum Policy: USMLM-POTSDAM (U), (NOTAL).

## 3. Explanation of terms.

*a. Political asylum.* Protection and sanctuary granted by the US within its territorial jurisdiction or on the high seas to a foreign national who applies for such protection because of persecution for race, religion, nationality, membership in a particular social group, or political opinion.

*b. Temporary refuge.* Protection given for humanitarian reasons to nationals of any country in an Army shore installation, facility, or vessel within the territorial jurisdiction of a foreign nation under conditions of urgency in order to secure the life or safety of that person against imminent danger (such as pursuit by a mob). Temporary refuge will also be granted, under similar circumstances, on US vessels on the high seas.

## 4. National policy.

*a. Political asylum.*

(1) The US shall give foreign nationals full opportunity to have their requests for political asylum considered on their merits.

(2) Persons seeking political asylum shall not be surrendered to a foreign jurisdiction except as directed by the Secretary of the Army.

(3) The US shall not grant political asylum at its installations or facilities located within the territorial jurisdiction of a foreign country or while in foreign territorial waters. This applies whether the person requesting asylum is a national of the host country or a third country. Requests for asylum received from third country nationals (nationals of other than the host country) normally are matters within the right and responsibility of the host country. These cases will be coordinated with the host country through the appropriate American Embassy or Consulate, in accordance with procedures established by the Chief of the US Diplomatic Mission.

*b. Temporary refuge.* The US in appropriate cases, shall grant temporary refuge in a foreign country or on the high seas to nationals of any country.

## 5. Responsibilities.

*a.* The Deputy Chief of Staff for Operations and Plans (DCSOPS) has overall responsibility for political asylum and temporary refuge cases within DA. The DCSOPS will notify and coordinate these matters with the following:

- (1) The Department of State.
- (2) The Immigration and Naturalization Service, Department of Justice (INS, DOJ).
- (3) The Assistant Secretary of Defense (International Security Affairs).
- (4) Other interested DA agencies.

*b.* All elements of DA that receive a request for political asylum or temporary refuge are responsible for submitting a report thereon, as specified in paragraph 7.

## 6. Procedures.

Army elements will handle requests for political asylum or temporary refuge as follows:

*a. In territories under exclusive US jurisdiction and on the high seas (including US territorial seas, the Commonwealth of Puerto Rico, US possessions, and territories under administration).*

(1) *General.*

(a) Persons requesting political asylum or temporary refuge will be received in a DA facility or on board DA vessels. They will be afforded every reasonable care and protection permitted by the circumstances. (See para 7a and b for reporting procedures.)

(b) In no cases will a person requesting political asylum or temporary refuge be surrendered to a foreign jurisdiction without HQDA approval.

(c) The INS, DOJ has primary responsibility for processing requests for political asylum within the US, the Commonwealth of Puerto Rico, and US possessions. Arrangements to transfer the individual to the INS should be made as soon as possible. Transfers may be arranged locally; they need not await DA approval. (Geographic locations and addresses of field offices are at figs. 1 and 2.) The DA component will request acknowledgment in writing from the appropriate receiving INS field office or the INS Headquarters upon turnover of the asylum seeker to the INS. (See figure 3 for sample format.) Such acknowledgment will be retained in the files of the DA component for 12 months prior to routine record disposal action.

(2) *Protection.* The DA element concerned will protect the individual requesting asylum or temporary refuge, pending his transfer to the INS. This is subject to the following:

(a) Primary responsibility for providing protection rests with the civilian or military law enforcement or security agency having exclusive or concurrent jurisdiction.

(b) If there is any indication of an attempt to abduct or otherwise harm the person requesting asylum, the appropriate law enforcement or security agency should be asked to provide security.

(c) Interim measures will be taken to insure the safety of the person against attempts at forcible repatriation, but no greater force will be used than necessary to protect the individual.

(d) Inquiries from foreign authorities will be met by the senior Army official present with a response that the case has been referred to higher authorities for instructions.

*b. In territories under foreign jurisdiction (including foreign territorial seas).*

(1) *General.*

(a) Political asylum may not be granted in any Army shore installation or facility or on board any Army aircraft or vessel within the territorial jurisdiction of a foreign country. Requests for political asylum which also meet the definition of a request for temporary refuge will be treated as a request for temporary refuge. (For procedures, see para 7a and b.)

(b) Foreign nationals who seek help in forwarding requests for political asylum in the US will be advised to apply in person at the nearest American Embassy or Consulate.

(c) Army personnel serving under a Chief of Diplomatic Mission will be governed by the instructions applicable to the Mission in handling requests for political asylum.

(d) The senior officer present at an Army shore installation or facility, or on board an Army vessel within foreign territorial waters, may grant temporary refuge in cases as defined in paragraph 3b.

(2) *Protection.*

(a) The DA element concerned will protect persons seeking temporary refuge during their stay within the Army installation, facility, or vessel.

(b) Temporary refuge will end only when directed by higher authority, through the Secretary of the Army. Persons whose temporary refuge is ended will be released to the authorities designated in the message authorizing release.

## **7. Report of Request for Political Asylum and Temporary Refuge (RCS DD-ISA (AR) 1161 (MIN)).**

*a. General.* Information in (1) through (11) below will be reported as soon as it becomes available. The initial report will not be delayed pending complete development of data.

(1) Name and nationality of the person requesting asylum (or temporary refuge).

(2) Date, place of birth, and occupation.

(3) Description of any documentation in his or her possession.

(4) List of foreign authorities that are aware of the request. Also state whether any foreign authorities will be notified of the request.

(5) Circumstances surrounding the request.

(6) Exact location. If aboard a vessel or aircraft, give the estimated time of arrival at next port or airport.

(7) Reason for requesting asylum or temporary refuge.

(8) Description of any criminal charges known or alleged to be pending against the person requesting asylum. Indicate also if any piracy at sea, air piracy, or hijacking background.

(9) Any communist Party affiliation or affiliation with other political parties. Also list any government office now held or previously occupied.

(10) If applicable, whether a field office of INS has been notified and if arrangements have been made to transfer the case to INS.

(11) Other pertinent information.

*b. In territories under exclusive US jurisdiction or on the high seas.*

(1) Immediately upon receipt of a request from a foreign national for political asylum or temporary refuge (or an indication that a request is imminent), the DA element concerned will report to the Army Operations Center (AOC) the action already taken and as much of the information required in a above as is available. (The AOC telephone number is CENTREX 703 641-7208, AUTOVON 851-1800, commercial 202 OX 5-0441, ext. 215.) This report will not be delayed pending complete development of all the information in a above.

(2) As soon as the additional information required in a above becomes available, it will be transmitted to the AOC.

(3) Telephone or other voice notifications will be confirmed as soon as possible by IMMEDIATE precedence message to the AOC. An information copy of this message will be sent to the Secretary of State and the National Military Command Center, WASH DC.

(4) All requests for political asylum, including all known details, will be reported to the nearest field office of INS. (See figs. 1 and 2 for location and INS address list.)

*c. In territories under foreign jurisdiction.*

(1) The official granting temporary refuge will report the information required in a above by IMMEDIATE precedence message to the AOC. An information copy of this message will be sent to the appropriate American Embassy., the Secretary of State, and the National Military Command Center, Wash, DC.

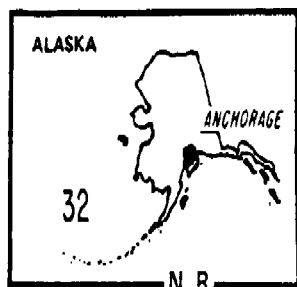
(2) A request by foreign authorities for custody of a person under the protection of temporary refuge will be reported to the AOC by IMMEDIATE precedence message stating all of the attendant circumstances of and authority asserted for the request. An information copy of the message will be sent to the appropriate American Embassy, the Secretary of State, and the National Military Command Center, Wash DC. The requesting foreign authorities will be informed that the case has been referred to higher authorities for instructions. A final decision normally will be made on a priority basis within 24 hours.

*d. Information copies of the above reports may be provided to other interested Army commands through command channels.*

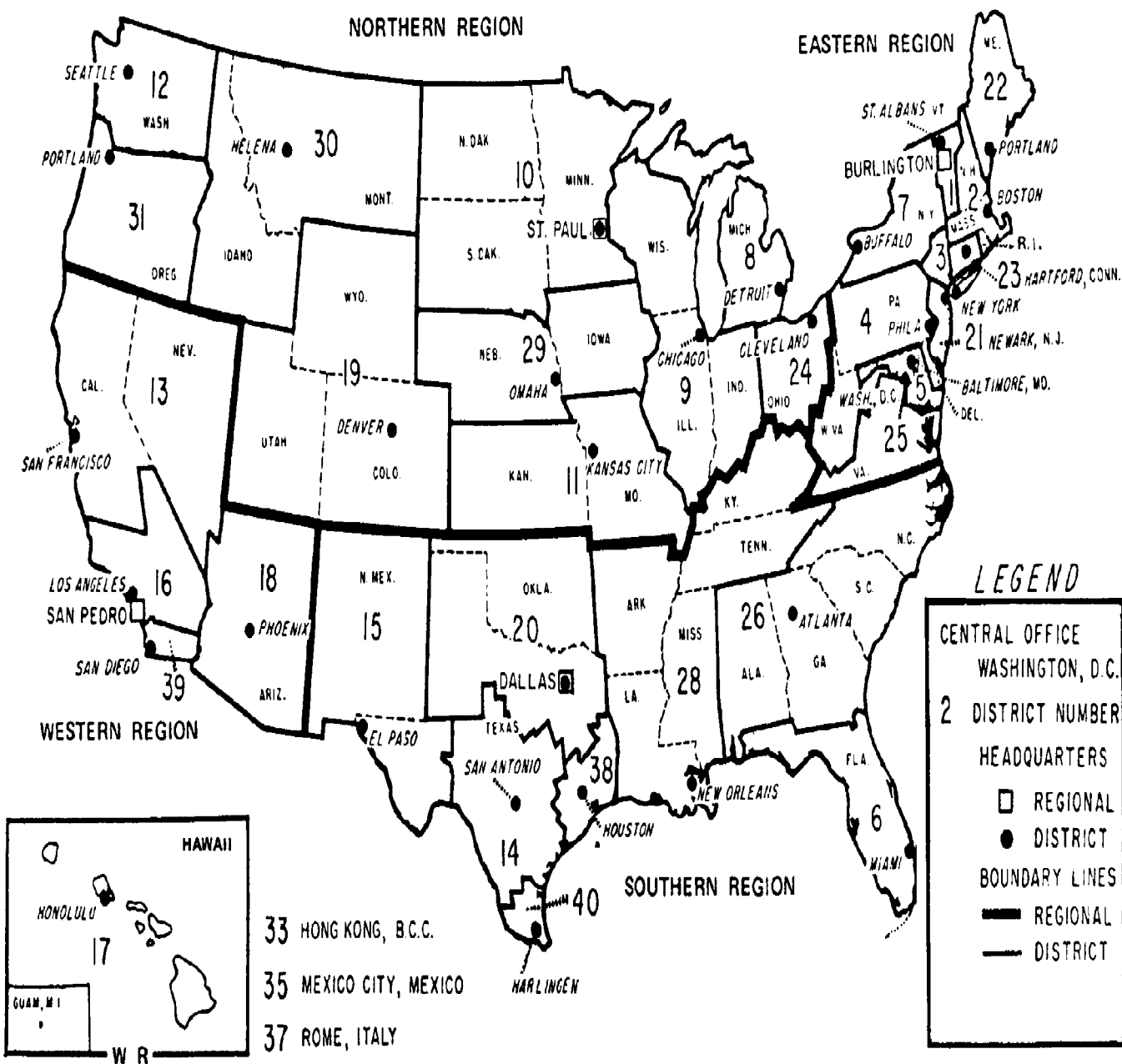
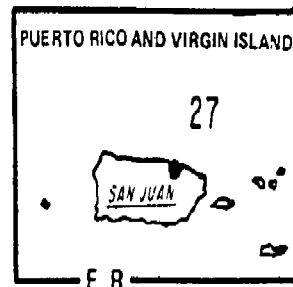
## **8. Public release of information.**

*a.* The Department of State or the INS normally will make initial public announcements or discussions of requests for political asylum or temporary refuge.

*b.* The involved Army element will not release any information to the public or to the media, whether or not the request is granted, without prior HQDA approval.



# IMMIGRATION & NATURALIZATION SERVICE REGIONAL AND DISTRICT AREAS



M-6 (REV. 10-15-80)N

Figure 1. Immigration and Naturalization Service Regional and District Areas.

## REGIONAL AND DISTRICT OFFICE LOCATIONS

<u>Regional Offices</u>			<u>District Offices</u>		<u>District Offices</u>
Eastern Region (BUR)	Burlington, VT 05401 Federal Building	20 (DAL)	Dallas, TX 75242 Room 6A21, Federal Building 1100 Commerce Street	21 (NEW)	Newark, NJ 07102 Federal Building 970 Broad Street
Northern Region (TWC)	Federal Building Fort Snelling Twin Cities, MN 55111	19 (DEN)	Denver, CO 80202 1787 Federal Building 1961 Stout Street	28 (NOL)	New Orleans, LA 70113 Postal Service Building 701 Loyola Avenue
Southern Region (DLS)	Dallas, TX 75270 First International Bldg. 1201 Elm St., Rm. 2300	8 (DET)	Detroit, MI 48207 Federal Building 333 Mt. Elliott Street	3 (NYC)	New York, NY 10007 26 Federal Plaza
Western Region (SPD)	San Pedro, CA 90731 Terminal Island	15 (ELP)	El Paso, TX 79984 343 U.S. Courthouse P.O. Box 9398	29 (OMA)	Omaha, NE 68102 106 South 15th Street, Room 1008
	<u>District Offices</u>	40 (HLG)	Harlingen, TX 78550 719 Grimes Avenue	4 (PHI)	Philadelphia, PA 19106 Room 1321 U.S. Courthouse Independence Mall West 601 Market Street
32 (ANC)	Anchorage, AK 99513 New Federal Building 701 C Street, Rm. D229	23 (HAR)	Hartford, CT 06105 900 Asylum Avenue	18 (PHO)	Phoenix, AZ 85025 Federal Building 230 North First Avenue
26 (ATL)	Atlanta, GA 30303 Richard B. Russell Federal Office Bldg. 75 Spring St. S.W., Rm. 1408	30 (HEL)	Helena, MT 59601 Federal Building, Room 512 301 South Park, Drawer 10036	22 (POM)	Portland, ME 04112 76 Pearl Street
5 (BAL)	Baltimore, MD 21201 E. A. Garmatz Federal Building 100 South Hanover Street	17 (HHW)	Honolulu, HI 96809 P.O. Box 461 595 Ala Moana Boulevard	31 (POO)	Portland, OR 97209 Federal Office Bldg. 511 N.W. Broadway
2 (BOS)	Boston, MA 02203 John Fitzgerald Kennedy Federal Bldg., Government Center	38 (HOU)	Houston, TX 77208 Federal Building U.S. Courthouse 515 Rusk Ave., P.O. Box 61630	1 (STA)	St. Albans, VT 05478 Federal Building P.O. Box 328
7 (BUF)	Buffalo, NY 14202 68 Court Street	11 (KAN)	Kansas City, MO 64106 Suite 1100 324 E. Eleventh Street	10 (SPM)	St. Paul, MN 55101 932 New Post Office Building 180 East Kellogg Blvd
9 (CHI)	Chicago, IL 60604 Dirksen Federal Office Bldg. 219 South Dearborn St.	16 (LOS)	Los Angeles, CA 90012 300 North Los Angeles Street	14 (SNA)	San Antonio, TX 78206 U.S. Federal Building 727 East Durango Suite A301
24 (CLE)	Cleveland, OH 44199 Rm. 1917, Anthony J. Celebreeze Federal Office Building 1240 East 9th Street	6 (MIA)	Miami, FL 33130 155 South Miami Ave.	39 (SND)	San Diego, CA 92188 880 Front Street

## OTHER OFFICES FROM WHICH INFORMATION CONCERNING IMMIGRATION AND NATURALIZATION SERVICE MATTER

17 (AGA)	Agana, GU 96910 U.S. Immigration and Naturalization Service 801 Pacific News Bldg.	24 (CIN)	Cincinnati, OH 45201 U.S. Post Office and Courthouse P.O. Box 537, 5th & Walnut Streets	9 (MIL)	Milwaukee, WI 53202 Room 186, Federal Building 517 East Wisconsin Avenue
7 (ALB)	Albany, NY 12207 Rm. 220, U.S. Post Office & Courthouse 445 Broadway	9 (HMM)	Hammond, IN 46320 104 Federal Bldg., 507 State Street	25 (NOR)	Norfolk, VA 23510 Norfolk Federal Building 200 Granby Mall
26 (CLT)	Charlotte, NC 28231 Charles R. Jonas Federal Bldg. 401 W. Trade Street P.O. Box 31247	13 (LVG)	Las Vegas, NV 89101 Federal Bldg., U.S. Courthouse 300 Las Vegas Blvd. South	4 (PIT)	Pittsburgh, PA 15222 2130 Federal Building 1000 Liberty Avenue
		28 (MEM)	Memphis, TN 38103 814 Federal Office Bldg. 167 North Main Street	2 (PRO)	Providence, RI 02903 Federal Building, U.S. Post Office Exchange Terrace

Figure 2. Addresses of INS Offices.



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(Date)

(ARMY COMPONENT LETTERHEAD)

Date

SUBJECT: Acknowledgement of Receipt of Asylum Seeker by Immigration  
and Naturalization Service (INS)

This is to certify that \_\_\_\_\_  
(Name)

\_\_\_\_\_, \_\_\_\_\_,  
(Rank, SSN) (Date of Birth)

\_\_\_\_\_, was presented to  
(Place of Birth (Locality, Country))

the \_\_\_\_\_ for  
(Note the appropriate INS regional, district, or headquarters office)

processing for political asylum on \_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name (Typed or Printed))

\_\_\_\_\_  
(Rank, SSN)

US Person Escorting Asylum Seeker

*ACKNOWLEDGEMENT*

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name (Typed or Printed))

\_\_\_\_\_  
(Appropriate INS Office)

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Figure 3. Form for acknowledging receipt of asylum seeker.

**Unclassified**

**PIN 003328-000**

# USAPA

ELECTRONIC PUBLISHING SYSTEM  
TEXT FORMATTER ... Version 2.45

PIN: 003328-000  
DATE: 09-29-98  
TIME: 11:33:42  
PAGES SET: 9

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DATA FILE: t30.fil  
DOCUMENT: AR 550-1  
DOC STATUS: REVISION